

Notice of Allowability

Application No.

10/712,161

Examiner

Tan Le

Applicant(s)

LOWE, GREGORY E.

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/19/05.
2. ☒ The allowed claim(s) is/are 7-14, 19, 20, 24, 25 and 27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. This is the third office action for Application No. 10/712, 161. This office action is responsive to Applicant's amendment filed 12/19/05. Currently, this application contains claims numbered 7-14, 19-20, 24-25 and 27. Claims 1-6, 15-18 and 21-23 and 26 have been canceled.
2. Claims 7-14, 19-20, 24-25 and 27 are allowed with the following Examiner's amendment:

EXAMINER'S AMENDMENT

3. Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. George G. Grigel on January 5, 2006

The application has been amended as follows:

Claim 7, line 12, after "individual portions" and before "define", --together—has been inserted.

REASONS FOR ALLOWANCE

4. The following is an examiner's statement of reasons for allowance:

One major difference in each claim 7, 19, 24 and 27 not found in the closest prior art of Lowe (US 4,645,149) is that Lowe does not teach or suggest the individual

portions are movable between a first position and second position wherein in the second position, the outwardly facing portions of the individual portions together define a substantially continuous arcuately shaped surface, and the inwardly facing surfaces of the respective article engaging portions lie transmitting relation, one relative to another and the inwardly in juxtaposed force transmitting relation, one relative to another (claim 7); each of the article engaging portions have an inside peripheral edge, and wherein the inside peripheral edges of the second and third article engaging portions matingly cooperate with the first article engaging portion when the respective article engaging portions are in the deployed position to transmit force applied to the first end of the support member substantially uniformly to the respective article engaging portions (claim 19); AND each of the article engaging portions have an inside peripheral edge, and wherein in the non-deployed position each of the inside peripheral edges of the respective article engaging portions are disposed in spaced relation, one relative to the others, and wherein in the deployed position, the inside peripheral edges of the second and third article engaging portions lie in juxtaposed relation relative to the inside peripheral edge of the first article engaging portions (claims 24 and 26) in combination with other limitations as a whole recited in each claim which is not found in Lowe either singularly or in combination to anticipate or render obvious the above limitations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818. The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tan Le
January 5, 2006



ANITA KING
PRIMARY EXAMINER